

San Francisco, Calif. - Ordinances

CITY PLANNING CODE

Effective date May 2, 1960, with amendments
to and including July 10, 1964

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[S.F. PLANNING CODE, 1964]



PART II

Chapter II

of

San Francisco Municipal

Code, July 1964 //

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CITY PLANNING CODE

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PART II

Chapter II

San Francisco Municipal
Code

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SUMMARY OF BASIC PROVISIONS OF THE CITY PLANNING CODE IN CHART FORM

Explanation

The following five pages contain a chart which summarizes basic provisions of the Planning Code of the City and County of San Francisco.

This summary chart is an aid to use of the Planning Code but is not a part of the ordinances by which the Code was enacted.

The Planning Code itself, which follows this summary chart, should be consulted for complete and official provisions. Following the Planning Code there are a General Index and an Addendum (List of Uses) which will help in directing the reader to specific provisions of the Code.

SUMMARY OF BASIC PROVISIONS OF THE SAN FRANCISCO CITY PLANNING CODE

NOTE: This summary chart is an aid to use of the City Planning Code but is not part of the adopted ordinance. The City Planning Code should be consulted for complete and official provisions.

ZONING DISTRICT	PRINCIPAL USES PERMITTED	TRANSITIONAL USES (Permitted on Lots Adjacent to or Facing a C or M District)	CONDITIONAL USES (Subject to Commission Approval)	LOT SIZE AND DENSITY REQUIREMENTS	MAXIMUM COVER-AGE	YARD REQUIREMENTS	HEIGHT LIMITATION	BULK LIMITATION (Floor Area Ratio)	USABLE OPEN SPACE REQUIREMENT	PARKING SPACES REQUIRED
R-1-D	Sec. 201.1 One-family detached dwelling; church; non-profit elementary or secondary school.	Secs. 201.1(j), 118 One-family row house; two-family dwelling.	Sec. 201.2 Private school operated for profit; nursery school; institution of higher learning; private non-commercial open recreation; community club house; community garage; utility installation; planned unit development; greenhouse or plant nursery (no retail sales).	Secs. 124, 127 Minimum lot area 4000 sq. ft.; minimum lot width 33 ft., except lots of record. One dwelling unit per lot.	Secs. 125, 126 Interior Lot: 55% Corner Lot: 60%	Secs. 132, 133, 134, 126 Side yards of 3 to 5 feet, depending upon width of lot. Rear yard: 25 feet (Corner lot 20 feet).	Sec. 121 Dwelling: 35 feet; on sloping lot, 30 to 40 feet. Institution: 75 feet, plus 1 additional foot for each foot by which required side and rear yards exceed minimum set for them.	Maximum coverage, yard requirements, and height limit govern.	No requirement.	Secs. 135, 136 One for each dwelling unit. Sec. 137 Church: one for each 10 seats in excess of 100.
R-1	Sec. 202.1 All principal uses permitted in R-1-D district. One-family row dwelling.	Secs. 202.1(d), 118 Two-family dwelling; professional office for one person; private club or lodge (non-commercial).	Sec. 202.2 Same as for R-1-D, plus parking lot; access driveway to C or M district.	Secs. 124, 127 Minimum lot area 2640 sq. ft., minimum lot width 33 ft., new subdivisions. Other lots, minimum lot area 2500 sq. ft.; minimum lot width 25 ft., except lots of record. One dwelling unit per lot or per 3000 sq. ft. of lot area.	Secs. 125, 126 Interior Lot: 60% Corner Lot: 75%	Secs. 132, 134, 126 No side yard required. Rear yard: 25 feet (Corner lot 20 feet).		Maximum coverage, yard requirements, and height limit govern.	No requirement.	Secs. 135, 136 One for each dwelling unit. Sec. 137 Church: one for each 10 seats in excess of 100.
R-2	Sec. 203.1 All principal uses permitted in R-1 district. Two-family dwelling, home for aged (not to exceed six persons).	Secs. 203.1(d), 118 Multiple dwelling as regulated in R-3 districts; private club or lodge (non-commercial); boarding house; prof. office for 1 person; fraternity; each according to specific regulations.	Sec. 203.2 Same as for R-1, plus hospital; sanitarium; rest home, if more than 6 patients; philanthropic institution; multiple-family dwelling (in certain situations).	Secs. 124, 128 Minimum lot area and width same as for R-1. One two-family dwelling per lot, or one dwelling unit per 1500 sq. ft. of lot area.	Secs. 125, 126 Interior Lot: 65% Corner Lot: 75%	Secs. 132, 134, 126 No side yard required. Rear yard: 25 feet (Corner lot 15 feet).	Sec. 121 Dwelling: 40 feet. On sloping lot, 30 to 40 feet. Institution: See R-1-D.	Maximum coverage, yard requirements, and height limit govern.	No requirement, except for transitional lots.	Secs. 135, 136 One for each dwelling unit. Boarding house, fraternity: one for each 6 beds or 3 guest bedrooms with a minimum of 2 required. Hospital (where permitted): one for each 8 guest bedrooms or 2400 square feet of sleeping room area, whichever is greater.
R-3	Sec. 204.1 All principal uses permitted in R-2 district. Multiple-family dwelling not more than 3 stories; boarding house; fraternity.	Secs. 204.1(e), 118 All R-3.5 principal uses. All R-2 transitional uses.	Sec. 204.2 Same as for R-2, plus institution primarily for treatment of contagious diseases or drug or liquor addicts if occupying entire city block or lot not less than 3 acres in area; hotel, private club or lodge building, according to specific regulations.	Secs. 124, 129, 134.3 Minimum lot area and width same as for R-1. One dwelling unit per 800 sq. ft. of lot area or major fraction thereof. (Group housing: one bedroom per 310 sq. ft. of lot area.)	Secs. 125, 126 Interior Lot: 65% Corner Lot: 70%	Secs. 132, 134, 126, 134.4 No side yard required. Rear yard: 25 feet (Corner lot 20 feet). No parking permitted in required rear yard.	Sec. 121 Dwelling: 40 feet. Buildings other than dwellings governed by floor area ratio.	Secs. 120, 120.1, 122 Maximum coverage, yard requirements, and height limit govern for dwellings. For buildings other than dwellings, floor area not to exceed 1.8 times the area of the lot.	Secs. 102.7.2, 134.1, 126, 134.3 Dwellings: 200 sq. ft. per dwelling unit (1/4 less if private). Group housing: 75 sq. ft. per bedroom (1/4 less if private).	Secs. 135, 136 Same as R-2. For multiple dwelling, may be located within 600 feet of lot.
R-3.5	Sec. 204.4 All principal uses permitted in R-3 district.	Secs. 204.4(b), 118 All R-4 principal uses. All R-2 transitional uses.	Sec. 204.5 Same as for R-3.	Secs. 124, 129, 134.3 Minimum lot area and width same as for R-1. One dwelling unit per 600 sq. ft. of lot area or major fraction thereof. (Group housing: one bedroom per 220 sq. ft. of lot area.)	Secs. 125, 126 Interior Lot: 65% Corner Lot: 70%	Secs. 132, 134, 126, 134.4 No side yard required. Rear yard: 25 feet (Corner lot 20 feet). No parking permitted in required rear yard, except for 200 sq. ft. thereof.	Sec. 121 Dwelling: 40 feet. Buildings other than dwellings governed by floor area ratio.	Secs. 120, 120.1, 122 Maximum coverage, yard requirements, and height limit govern for dwellings. For buildings other than dwellings, floor area not to exceed 1.8 times the area of the lot.	Secs. 102.7.2, 134.1, 126, 134.3 Dwellings: 150 sq. ft. per dwelling unit (1/4 less if private). Group Housing: 55 sq. ft. per bedroom (1/4 less if private).	Secs. 135, 136 Same as R-3.

SUMMARY OF BASIC PROVISIONS OF THE SAN FRANCISCO CITY PLANNING CODE (CONT.)

ZONING DISTRICT	PRINCIPAL USES PERMITTED	TRANSITIONAL USES (Permitted on Lots Adjacent to or Facing a C or M District)	CONDITIONAL USES (Subject to Commission Approval)	LOT SIZE AND DENSITY REQUIREMENTS	MAXIMUM COVER-AGE	YARD REQUIREMENTS	HEIGHT LIMITATION	BULK LIMITATION (Floor Area Ratio)	USABLE OPEN SPACE REQUIREMENT	PARKING SPACES REQUIRED
R-4	Sec. 205.1 All principal uses permitted in R-3 district. Multiple-family dwelling; private club or lodge (non-commercial).	Secs. 205.1(d), 206, 118 Professional office building or office of single firm; restaurant, personal service shop, newsstand, where not more than 5 persons employed; storage garage; some R-1-D conditional uses; in R-4, multiple dwelling as regulated in R-5 if adjacent to C-3 district.	Secs. 205.2, 206 Same as for R-3, plus professional offices according to specific regulations.	Secs. 124, 129 Minimum lot area and width same as for R-1. One dwelling unit per 200 sq. ft. of lot area or major fraction thereof.	Secs. 125, 126 Interior Lot: 75% Corner Lot: 80%	Secs. 132, 134, 126 No side yard required. One to three story bldg.: 15-foot rear yard. Four or more story bldg.: 25-foot rear yard.	Governed by floor area ratio.	Secs. 120, 120.1, 122 Floor area not to exceed 4.8 times the area of the lot. Lot area of corner lot to be increased by 25% for calculation.	No requirement.	Secs. 135, 136 Same as R-3. One for each 8 hotel bedrooms where total number of rooms exceeds 20.
R-5	Sec. 206 All principal uses permitted in R-4 district.	Secs. 205.1(d), 206, 118 Professional office building or office of single firm; restaurant, personal service shop, newsstand, where not more than 5 persons employed; storage garage; some R-1-D conditional uses; in R-4, multiple dwelling as regulated in R-5 if adjacent to C-3 district.	Secs. 205.2, 206 Same as for R-3, plus professional offices according to specific regulations.	Secs. 124, 129 Minimum lot area and width same as for R-1. One dwelling unit per 125 sq. ft. of lot area or major fraction thereof. (An efficiency apt. is counted as 3/4 of a dwelling unit.)	Secs. 125, 126 Interior Lot: 75% Corner Lot: 90%	Secs. 132, 134, 126 No side yard required. One to three story bldg.: 10-foot rear yard. Four or more story bldg.: 20-foot rear yard.	Governed by floor area ratio.	Secs. 120, 120.1, 122 Floor area not to exceed 10.0 times the area of the lot. Lot area of corner lot to be increased by 25% for calculation.	No requirement.	

C-1	Sec. 207.1 Neighborhood retail business; personal service; business or professional office; service station; parking lot; advertising sign; dwelling.	Does not apply.	Sec. 207.2 Planned unit development; aircraft landing field; wireless transmission tower; railroad; institution primarily for treatment of contagious diseases or for the treatment or care of drug or liquor addicts; storage garage according to specific regulations.	Secs. 124, 130 Minimum lot area and width same as for R-1. Number of dwelling units permissible on any lot in a C district is the same as for a permitted transitional use in the nearest R district; provided, that in no case shall the number of dwelling units permitted on a lot in a C-1 or C-2 district be less than is permitted in an R-3 district, and in no case shall the number of dwelling units permitted on a lot in a C-3 district be less than is permitted in an R-5 district.	Secs. 125, 126 No restrictions except that portions of buildings occupied by dwelling units are limited to coverage permitted in nearest R district.	Secs. 134, 126 None, except for floors used for residence, where rear yard requirements of nearest R district apply.	Governed by floor area ratio. Sec. 121 No dwelling shall exceed 40 feet in height if its lot adjoins an R-1-D, R-1, R-2, R-3 or R-3.5 district.	Secs. 120, 120.1, 122 Floor area not to exceed 3.6 times the area of the lot. Lot area of corner lot to be increased by 25% for calculation.		Secs. 135, 136, 137, 138, 140 One per dwelling unit. Varies with use. If bldg. exceeds 5000 sq. ft.: restaurant, 1 space per 200 sq. ft.; med. off., 1 per 300 sq. ft.; bus. off., 1 per 500 sq. ft.; retail store, 1 per 500 sq. ft. up to 20,000 sq. ft. plus 1 for ea. additional 250 sq. ft.; motel, 1 per rental unit. (Loading spaces required for certain uses.)
C-2	Sec. 208.1 Community retail business and service; dwelling.	Does not apply.	Secs. 208.2, 209.2 Same as for C-1, plus animal hospital in enclosed building; mortuary; parcel delivery service in enclosed building; minor automobile repair in enclosed building; automobile sales lot; storage building for household goods.					Secs. 120, 120.1, 122 Floor area not to exceed 3.6 times the area of the lot (10.0 times the area of the lot where nearest R district is R-5). Lot area of corner lot to be increased by 25% for calculation.	Secs. 102.7.2, 134.1, 126, 134.3 No requirement, except that usable open space requirements of R-3 and R-3.5 districts apply where density standards of those districts govern.	Secs. 135, 136, 137, 138, 140 Same as C-1. Theatre or auditorium with more than 50 seats: one space for each 8 seats up to 1000, plus one for each 10 seats in excess of 1000; Mortuaries, five spaces unless greater number required by Planning Commission. (Loading spaces required for certain uses.)
C-3	Sec. 209.1 Central business and shopping; dwelling.	Does not apply.					Governed by floor area ratio.	Secs. 120, 120.1, 122 Floor area not to exceed 16.0 times the area of the lot. Lot area of corner lot to be increased by 25% for calculation.		Secs. 135, 140 None required. (Loading spaces are required.)

SUMMARY OF BASIC PROVISIONS OF THE SAN FRANCISCO CITY PLANNING CODE (CONT.)

ZONING DISTRICT	PRINCIPAL USES PERMITTED	TRANSITIONAL USES (Permitted on Lots Adjacent to or Facing a C or M District)	CONDITIONAL USES (Subject to Commission Approval)	LOT SIZE AND DENSITY REQUIREMENTS	MAXIMUM COVER-AGE	YARD REQUIREMENTS	HEIGHT LIMITATION	BULK LIMITATION (Floor Area Ratio)	USABLE OPEN SPACE REQUIREMENT	PARKING SPACES REQUIRED
C-M	Sec. 210.1 General commercial; wholesale storage; mortuary; automobile sales lot; dwelling other than a one- or two-family dwelling.	Does not apply.	Sec. 210.2 Same as for C-2, plus experimental laboratory; dairy products distribution plant in enclosed building.	Same as for C-1, C-2 and C-3.	Same as for C-1, C-2 and C-3.	Same as for C-1, C-2 and C-3.	Governed by floor area ratio.	Secs. 120, 120.1, 122 Floor area not to exceed 9.0 times the area of the lot. Lot area of corner lot to be increased by 25% for calculation.	Same as for C-1, C-2 and C-3.	Secs. 135, 136, 137, 138, 140 Varies according to use. (Loading spaces are required.)
M-1	Sec. 211.1 Light industry and manufacturing. (No dwelling, hotel, motel or boarding house.)	Does not apply.	Sec. 211.2 Planned unit development; truck terminal if not less than 200 feet from any R district; institution primarily for treatment of contagious diseases, or for the treatment or care of drug or liquor addicts.	Sec. 124 Minimum lot area and width same as for R-1.	No restrictions.	None.	Governed by floor area ratio.	Secs. 120, 120.1, 122 Floor area not to exceed 5.0 times the area of the lot. Lot area of corner lot to be increased by 25% for calculation.	Does not apply.	Secs. 135, 137, 138, 140 Varies according to use. Generally one space for each 1500 square feet of floor area where floor area exceeds 7500 square feet. (Loading spaces are required.)
M-2	Secs. 212.1, 212.2 Heavy industry; food processing. (No dwelling, hotel, motel, boarding house, school or institution for human habitation or care.)	Does not apply.	Sec. 212.3 Same as for M-1, plus smelter; garbage incineration; manufacture of corrosive acid or alkali, cement, gypsum, explosives; petroleum refining; abattoir.	Sec. 124 Minimum lot area and width same as for R-1.	No restrictions.	None.	Governed by floor area ratio.	Secs. 120, 120.1, 122 Floor area not to exceed 5.0 times the area of the lot. Lot area of corner lot to be increased by 25% for calculation.	Does not apply.	Secs. 135, 137, 138, 140 For any use first permitted in M-2, one space for each 2000 square feet of floor area where floor area exceeds 10,000 square feet. (Loading spaces are required.)

SPECIAL REQUIREMENTS: This chart does not include references to Special Use Districts, Special Height Districts, Special Sign Districts, or P (Public Use) Districts. In addition, Article 4 of the City Planning Code governs special building set-back lines along certain streets.

Corrected to 7-10-64

CHAPTER II CITY PLANNING CODE

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- (b) Manufacture of cereals, distilled liquors, felt or shoddy, hair or hair products, pickles, sauerkraut, vinegar, yeast, soda or soda compounds, structural clay products, meat products, except uses listed in Sections 212.2 and 212.3;
- (c) Flour mill, grain elevator, sugar refinery, wool pulling or scouring;
- (d) Slaughter of poultry;
- (e) Junk yard;
- (f) Bulk storage of inflammable or highly combustible materials;
- (g) Shipyard.

SEC. 212.2. Principal Uses Permitted, M-2 Districts, Restricted Location. The following uses may occupy any lot in an M-2 district, if located not less than five hundred (500) feet from any R district:

- (a) Manufacture, refining, distillation or treatment of any of the following: abrasives, acid (non-corrosive), alcohol, ammonia, asbestos, asphalt, bleaching powder, candles (from tallow), celluloid, chlorine, coal, coke, creosote, dextrine, disinfectant, dye, enamel, gas carbon or lamp black, gas (acetylene or other inflammable), glucose, insecticide, lacquer, linoleum, matches, oil cloth, oil paint, paper (or pulp), perfume, plastics, poison, potash, printing ink, refuse mash or refuse grain, rubber (including balata or gutta percha or crude or scrap rubber), shellac, shoe or stove polish, soap, starch, tar, turpentine, varnish;
- (b) Curing, smoking or drying fish, manufacture of fish oil;
- (c) Tanning or curing of raw hides or skins;
- (d) Foundry, structural iron or pipe works, boiler making where riveting is involved, locomotive works, round-house or railroad shop.

SEC. 212.3. Conditional Uses, M-2 Districts. The following uses shall be subject to approval by the Commission, as provided in Sections 304 through 304.8:

- (a) All conditional uses listed and as regulated for M-1 districts;
- (b) Blast furnace, rolling mill, smelter;
- (c) Incineration or reduction of garbage, refuse, bones, offal or dead animals;
- (d) Manufacture of corrosive acid or alkali, cement, gypsum, lime, plaster of Paris, explosive, fertilizer, glue or gelatine from fish or animal refuse;
- (e) Bulk storage of explosives, production or refining of petroleum products;
- (f) Stockyard, livestock feed yard, abattoir. (Amended Ord. 187-64, approved 7-10-64)

SEC. 213. Special Use Districts.

In addition to the use districts that are established by Section 104, there shall also be in the City such special use districts as are established by this Section in order to carry out further the purposes of the Planning Code, as follows:

- (a) **Garment Shops.** A garment shop equipped with single-head power or hand sewing machines and specialty machines, where the total number of such single-head machines does not exceed twenty-five (25), may be opened and maintained in any C or M district lot, subject to all other provisions of this Code relating to such C or M district, located within the area designated on sheet 14 of the Zoning Map of the City and County of San Francisco. (New section Ord. 211-60, approved 4-29-60; amended Ord. 472-60, approved 9-8-60; amended Ord. 187-64, approved 7-10-64)

SEC. 215. P Districts. In addition to the districts otherwise established by this Code, there shall also be in the City a Public Use District herein referred to as a P district, to apply to land that is owned by a governmental agency and in some form of public use, including open space. The purpose of designating such land as a P district on the Zoning Map is to relate the Zoning Map to major elements of actual land use and the City-Wide Land Use Plan of the Master Plan. Any lot in a P district may be occupied by a principal use listed in Section 215.1 or by a conditional use listed in Section 215.2. (New section Ord. 291-62, approved 11-20-62)

SEC. 215.1. Principal Uses Permitted, P Districts.

- (a) Buildings and uses of governmental agencies not subject to regulation by this Code.
- (b) Public buildings and uses of the City and of other governmental agencies that are subject to regulation by this Code, when in conformity with the Master Plan and the provisions of other applicable laws. (New section Ord. 291-62, approved 11-20-62)

SEC. 215.2. Conditional Uses, P Districts. The following uses shall be subject to approval by the Commission, as provided in Sections 304 through 304.8:

- (a) Parochial or private elementary or secondary school, either non-profit or operated for profit, attendance at which satisfies the requirements of the compulsory education laws of the State of California;
- (b) Church;
- (c) Uses permitted as conditional uses in R-1-D districts by Section 202.2(b), (c), (d), (e), (f), (g) and (i). (New section Ord. 291-62, approved 11-20-62; amended Ord. 187-64, approved 7-10-64)

ARTICLE 2.5

SPECIAL HEIGHT DISTRICTS

- Sec. 250. Special Height Districts.
- Sec. 251. 40-Foot Special Height Districts.
- Sec. 252. Marina-Pacific Heights 40-Foot Special Height District.
- Sec. 253. Northern Waterfront-North Beach 40-Foot Special Height District.
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- Sec. 280. 105-Foot Special Height Districts.
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- Sec. 283. East Slope of Russian Hill 105-Foot Special Height District.
- Sec. 290. Variable Special Height Districts.
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- Sec. 291.5. 20-Foot Height Section.

SEC. 250. Special Height Districts. In addition to the use districts that are established under other Articles of this Code, there shall also be in the City such special height districts as are established in this Article 2.5 in order to carry out further the purposes of this Code. The designations, locations and boundaries of these special height districts shall be as provided in this Article and as shown on the Zoning Map referred to in Section 105, subject to the provisions of Section 105. The original of the numbered sectional maps of the Zoning Map for Special Height Districts referred to in this Article is on file with the Clerk of the Board of Supervisors under File No. 396-63. In any such special height district, no building or structure or part thereof shall be constructed, reconstructed, altered, relocated, or otherwise permitted to exceed the maximum permitted height specified in this Article. (New section Ord. 35-64, approved 2-21-64)

SEC. 251. **40-Foot Special Height Districts.** There are hereby established under Sections 252-254 the following special height districts in which the maximum permitted height shall be 40 feet. (New section Ord. 35-64, approved 2-21-64)

SEC. 252. **Marina-Pacific Heights 40-Foot Special Height District.** There shall be a maximum permitted height of 40 feet in the area identified as the Marina-Pacific Heights 40-Foot Special Height District on Sectional Map No. 2 SH of the Zoning Map. This maximum permitted height shall be measured in accordance with Sections 601, 602, 606.A and 606.B of the Building Code. (New section Ord. 35-64, approved 2-21-64)

SEC. 253. **Northern Waterfront-North Beach 40-Foot Special Height District.** There shall be a maximum permitted height of 40 feet in the area identified as the Northern Waterfront-North Beach 40-Foot Special Height District on Sectional Maps No. 1 SH and 2 SH of the Zoning Map. This maximum permitted height shall be measured in accordance with Section 601 of the Building Code, except that the following features of a building or structure may extend above this 40-foot height limit to the extent specified herein: church spires, fire station hose towers, chimneys, plumbing, vent stacks, skylights, weather vanes and flag poles; railings or fences not exceeding 4 feet in height; stair or elevator houses not exceeding 10 feet in height; and other necessary incidental mechanical appurtenances not exceeding 10 feet in height; provided, further, that no such feature shall cover at any level more than 15 per cent of the roof area of the building nor have an area at its base greater than 1,600 square feet. (New section Ord. 35-64, approved 2-21-64)

SEC. 254. **Telegraph Hill 40-Foot Special Height District.** There shall be a maximum permitted height of 40 feet in the area identified as the Telegraph Hill 40-foot Special Height District on Sectional Map No. 1 SH of the Zoning Map. This maximum permitted height shall be measured in accordance with Sections 601, 602 and 606.A of the Building Code. (New section Ord. 35-64, approved 2-21-64)

SEC. 260. **65-Foot Special Height Districts.** There are hereby established under Sections 261-262 the following special height districts in which the maximum permitted height shall be 65 feet. This maximum permitted height shall be measured in accordance with Sections 601, 602 and 606.A of the Building Code. (New section Ord. 35-64, approved 2-21-64)

SEC. 261. **North Beach 65-Foot Special Height District.** There shall be a maximum permitted height of 65 feet in the area identified as the North Beach 65-Foot Special Height District on Sectional Maps No. 1 SH and 2 SH of the Zoning Map. (New section Ord. 35-64, approved 2-21-64)

SEC. 262. **Union Street 65-Foot Special Height District.** There shall be a maximum permitted height of 65 feet along that portion of Union Street between Fillmore Street and Van Ness Avenue identified as the Union Street 65-Foot Special Height District on Sectional Map No. 2 SH of the Zoning Map. (New section Ord. 35-64, approved 2-21-64)

SEC. 270. **84-Foot Special Height Districts.** There is hereby established under Section 271 the following special height district in which the maximum permitted height shall be 84 feet. This maximum permitted height shall be measured in accordance with Sections 601, 602, 605.B and 606.A of the Building Code. (New section Ord. 35-64, approved 2-21-64)

SEC. 271. **Northeastern Embarcadero 84-Foot Special Height District.** There shall be a maximum permitted height of 84 feet in the area identified as the Northeastern Embarcadero 84-Foot Special Height District on Sectional Map No. 1 SH of the Zoning Map. (New section Ord. 35-64, approved 2-21-64)

SEC. 280. **105-Foot Special Height Districts.** There are hereby established under Sections 281-283 the following special height districts in which the maximum permitted height shall be 105 feet. This maximum permitted height shall be measured in accordance with Sections 601, 602, 606.A and 606.B of the Building Code. (New section Ord. 35-64, approved 2-21-64)

SEC. 281. **Pacific Heights 105-Foot Special Height District.** There shall be a maximum height of 105 feet in the area identified as the Pacific Heights 105-Foot Special Height District on Sectional Map No. 2 SH of the Zoning Map. (New section Ord. 35-64, approved 2-21-64)

SEC. 282. **West Slope of Russian Hill 105-Foot Special Height District.** There shall be a maximum permitted height of 105 feet in the area identified as the West Slope of Russian Hill 105-Foot Special Height District on Sectional Map No. 2 SH of the Zoning Map. (New section Ord. 35-64, approved 2-21-64)

SEC. 283. **East Slope of Russian Hill 105-Foot Special Height District.** There shall be a maximum permitted height of 105 feet in the area identified as the East Slope of Russian Hill 105-Foot Special Height District on Sectional Map No. 1 SH of the Zoning Map. (New section Ord. 35-64, approved 2-21-64)

SEC. 290. **Variable Special Height Districts.** There is hereby established under Section 291 the following special height district in which the maximum permitted height shall vary therein as provided in that Section. This maximum permitted height shall be measured in accordance with Sections 601, 602, and 606.1.A of the Building Code. (New section Ord. 35-64, approved 2-21-64)

SEC. 291. **Anza Vista Variable Special Height District.** In the Anza Vista Variable Special Height District as identified on Sectional Map No. 2 SH of the Zoning Map there shall be maximum permitted heights of from 20 to 35 feet for the respective sections of that height district as specified in Sections 291.1-291.5. This maximum permitted height shall be measured in accordance with Sections 601, 602 and 606.1.A of the Building Code. (New section Ord. 35-64, approved 2-21-64)

SEC. 291.1. **35-Foot Height Section.** All of Assessor's Block 1103, bounded by O'Farrell Street, St. Joseph's Avenue, Terra Vista Avenue, and Sonora Lane, excepting therefrom Lots 9, 10, 10-A, 11 and 12 in said block. (New section Ord. 35-64, approved 2-21-64)

SEC. 291.2. **30-Foot Height Section.** All of the Assessor's Block 1104, bounded by O'Farrell Street, Sonora Lane, Terra Vista Avenue and Anzavista Avenue.

Portion of Assessor's Block 1112, including lots 13 to 31, inclusive, bounded by Vega Street, Anzavista Avenue, Nido Avenue and Turk Street. That portion of Assessor's Block 1113, located on the westerly side of Barcelona Avenue and the northerly side of Anzavista Avenue including Lot 14.

That portion of Assessor's Block 1114, located on the easterly side of Barcelona Avenue, between Terra Vista and Anzavista Avenue.

That portion of Assessor's Block 1115, located on the westerly side of Fortuna Avenue, between Terra Vista Avenue and Anzavista Avenue.

That portion of Assessor's Block 1116, located on the easterly side of Fortuna Avenue, commencing on the northerly line of Anzavista Avenue and extending northerly to a point 45 feet south of the southerly line of Terra Vista Avenue (produced). (New section Ord. 35-64, approved 2-21-64)

SEC. 291.3. **28-Foot Height Section.** All of Lot 1, Assessor's Block 1116, located on the southwesterly corner of Baker Street and Terra Vista Avenue. Said height shall be measured from the Baker Street frontage. (New section Ord. 35-64, approved 2-21-64)

SEC. 291.4. **25-Foot Height Section.** Portion of Assessor's Block 1103, including Lots 9, 10, 10-A, 11 and 12, commencing at a point 258.4 feet east of the easterly line of Sonora Lane.

That portion of Assessor's Block 1114, located on the westerly side of Encanto Avenue, between Terra Vista Avenue and Anzavista Avenue.

That portion of Assessor's Block 1115, located on the easterly side of Encanto Avenue, between Terra Vista Avenue and Anzavista Avenue.

That portion of Assessor's Block 1116, located on the westerly side of Baker Street, commencing at a point on the northerly line of Anzavista Avenue and extending northerly to a point 60.6 feet south of the southerly line of Terra Vista Avenue (produced).

All of Assessor's Block 1117, bounded by Baker Street, Terra Vista Avenue and St. Joseph's Avenue and Pinar Lane.

All of Assessor's block 1118, bounded by St. Joseph's Avenue, Turk Street and Baker Street and Pinar Lane.

All of Assessor's Block 1119, bounded by Anzavista Avenue, Baker Street and Turk Street and Arbol Lane.

That portion of Assessor's Block 1112, located on the southerly line of Anzavista Avenue and the northerly line of Turk Street, commencing on the westerly line of Arbol Lane and extending westerly 450 feet.

That portion of Assessor's Block 1113, located on the easterly side of Anzavista Avenue, from the southerly line of Terra Vista Avenue to the northerly line of Lot 14. (New section Ord. 35-64, approved 2-21-64)

SEC. 291.5. 20-Foot Height Section. All of Lot 29, Assessor's Block 1116, located on the southeasterly corner of Fortuna Avenue and Terra Vista Avenue. Said height shall be measured from the Fortuna Avenue frontage. (New section Ord. 35-64, approved 2-21-64)

ARTICLE 3

ZONING PROCEDURES

Sec. 301. Administrative determination as to uses not listed.

- (a) Written request.
- (b) Investigation.
- (c) Determination.
- (d) Effect.

Sec. 302. Variances.

- (a) Applications.
- (b) Hearings.
- (c) Notice of public hearings.
- (d) Determination.
- (e) Procedure.
- (f) Conditions.

Sec. 303. Appeals.

- (a) Right of appeal.
- (b) Notice of appeal.
- (c) Procedure.
- (d) Decision.

Sec. 304. Conditional uses.

- Sec. 304.1. Application.
- Sec. 304.2. Public hearing.
- Sec. 304.3. Determination.
- Sec. 304.4. Delegation.
- Sec. 304.5. Planned unit development.
- Sec. 304.6. Change in conditions.
- Sec. 304.7. Conditional uses, continuance.
- Sec. 304.8. Action subject to appeal to Board of Supervisors.
- Sec. 305. Amendments, general.
- Sec. 305.1. Application.
- Sec. 305.2. Hearing.
- Sec. 305.3. Notice.
- Sec. 305.4. Set-back lines.
- Sec. 305.5. Permits.

Sec. 306. Amendments, action.

- (a) Time limitation.
- (b) Notice.
- (c) Adoption by Board of Supervisors.
- (d) Finality of Commission decision, appeal to Board of Supervisors.
- (e) Resubmission, reconsideration.

Sec. 307. Amendments, action on appeals.

- (a) Hearing.
- (b) Decision.

Sec. 308. Forms, fees.

- (a) Filing fees.

Sec. 309. Enforcement.

- (a) Duties and responsibilities of the Administrator.
- (b) Inspection of premises.
- (c) Co-operation with other departments.
- (d) Methods of enforcement.

Sec. 310. Penalties.

Sec. 311. Severability.

SEC. 301. Administrative Determination as to Uses Not Listed. Determinations as to the classification of uses not specifically listed in Article 2 of this Code shall be made by the Zoning Administrator, under the general supervision of the Director of Planning, and shall be subject to appeal as set forth in Section 303 hereof. The procedure shall be as follows:

(a) **Written Request.** A written request for such a determination shall be filed with the Zoning Administrator, which shall include a detailed description of the proposed use, and such other information as may be required.

(b) **Investigation.** The Zoning Administrator shall thereupon make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this Code, and to make a determination of its classification as provided in Section 112 and subject to the limitations thereof.

(c) **Determination.** The determination of the Zoning Administrator shall be rendered in writing within a reasonable time, but not to exceed sixty (60) days unless with the consent of the applicant, and shall state the class of district in which the proposed use will be permitted, and shall include the findings which establish that such use is in all essentials pertinent to the objectives of this Code, of the same character as a use listed as permitted in that class of district, and that its inclusion will not be detrimental to the general welfare or injurious to other uses therein permitted. Upon making his decision, the Zoning Administrator shall forthwith notify the applicant, and shall transmit a copy of his findings to the Director of Planning.

(d) **Effect.** The determination and all information pertaining thereto shall become a permanent public record in the office of the Department of City Planning. No such determination shall become effective until ten (10) days have elapsed from the date upon which it is rendered. If no appeal is filed, such use shall thereafter become a permitted use in the class of district specified in the determination and shall have the same status as a permitted use specifically named in the regulations for that class of district. (Amended Ord. 187-64, approved 7-10-64)

SEC. 302. Variances. The Zoning Administrator shall receive, investigate, hear and determine all applications for variances from the strict application of the provisions of this Code. He shall have the power to grant only such variances as may be in harmony with the general purpose and intent of this Code and in accordance with the general and specific rules contained herein, subject to such

conditions and safeguards as he may impose. He shall have the authority to grant such variances only when the strict and literal interpretation and enforcement of the provisions of this Code would result in practical difficulties, unnecessary hardships or results inconsistent with the general purposes of this Code, and only to the extent necessary to overcome such practical difficulties and unnecessary hardships. The procedure shall be as follows:

(a) **Applications.** An application for such variance shall be filed with the Zoning Administrator by the owner, or an authorized agent of the owner of the property involved. Applications shall be upon forms prescribed therefor, and shall contain or be accompanied by all information required to assure the presentation of pertinent facts for the permanent record. Each such application shall include a verification by the owner or his authorized agent attesting to the truth and correctness of all facts, statements and information presented.

(b) **Hearings.** Upon the filing of a verified application, the Zoning Administrator shall set a reasonable time not to exceed thirty (30) days thereafter for considering the same and shall give notice thereof to the applicant and may give notice to any other interested person. If the variance requested is solely for a modification of any regulation of this Code which is expressed by a number or in terms of a ratio, fraction or percentage, and involves a deviation from the expressed requirement of less than ten (10) per cent of such number, ratio, fraction or percentage, the determination of the Zoning Administrator may be made without holding a public hearing. In all other cases, a public hearing shall be held.

(c) **Notice of Public Hearings.** The Zoning Administrator shall give notice of the time and place of every public hearing on a variance application and the purpose thereof by mailing a notice not less than ten (10) days prior to the date of such hearing to the owners of all property adjoining the property involved, and to the owners of all property abutting on the same street, or streets, and within three hundred (300) feet of the property involved, using for this purpose the names of the last known owners as shown on the records of the Assessor. The failure to send notice by mail to any property owner, where the address of such owner is not a matter of public record, shall not invalidate any proceedings in connection with any variance. The Zoning Administrator shall make a record of the pertinent evidence presented at such public hearings which shall be maintained as a part of the public records of the Department of City Planning.

(d) **Determination.** The Zoning Administrator shall grant the requested variance in whole or in part if, from the facts presented in connection with the application, or at the public hearing, or determined by investigation, it appears and the Zoning Administrator specifies in his findings the facts which establish: (1) that there are exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not apply generally to other property or uses in the same class of district; (2) that owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of the Code would result in practical difficulty or unnecessary hardship; (3) that the variance is necessary for the preservation of a substantial property right of the petitioner possessed by other property in the same class of district; (4) that the granting of the variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and (5) that the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.

(e) **Procedure.** The Zoning Administrator shall act upon every such application for variance within a reasonable time. Unless deferred at the request of the applicant, his decision shall be rendered within sixty (60) days from the date of conclusion of the hearing or, where no public hearing is involved, within a minimum period of sixty (60) days from the date of filing. Failure of the Zoning Administrator to act as herein provided shall entitle the applicant to cause the record to be placed before the Planning Commission for determination at its next following regular meeting. Upon making his decision, the Zoning Administrator shall forthwith transmit a copy thereof to the applicant and to the Director of Planning. No variance granted shall become effective until ten (10) days thereafter. If no appeal is filed, such granted variance shall thereafter govern the approval of any application for a permit or license affected thereby.

(f) **Conditions.** In granting any variance under the provisions of this section, the Zoning Administrator shall specify the character and extent thereof, and shall also specify such reasonable conditions in connection therewith as are necessary to secure the objectives of this Code. Once any portion of the variance privilege is utilized all such specifications pertaining thereto shall become immediately operative, and must be complied with. Violation of any such condition shall constitute a violation of this Code.

SEC. 303. Appeals.

(a) **Right of Appeal.** The determination of the Zoning Administrator shall be final in all matters in his jurisdiction except that appeals therefrom may be taken by any person aggrieved or by any officer, board or commission of the City to the board, committee or agency empowered by the Charter of the City to receive and act upon such appeals. Filing notice of appeal as hereafter provided shall stay all proceedings in furtherance of the action appealed from.

(b) **Notice of Appeal.** Notice of appeal from any determination of the Zoning Administrator shall be filed with said board, committee or agency within ten (10) days from the date of such determination, in such form as may be required. An appeal from any order, requirement, decision, determination, or interpretation by the Zoning Administrator in the administration or enforcement of the provisions of this Code, shall set forth specifically wherein it is alleged that there was error in interpretation of the provisions thereof, or abuse of discretion on the part of the Zoning Administrator. An appeal from any ruling, decision, or determination by the Zoning Administrator denying or granting any variance shall set forth the particulars wherein the application for variance is alleged to have met or to have failed to meet, as the case may be, the five (5) conditions set forth in Section 302(d).

(c) **Procedure.** The procedure and requirements for the transmittal of the record, notice of hearing, and hearing in connection with any appeal shall be as specified in Chapter 19 of the Administrative Code.

(d) **Decision.** Upon the hearing of any such appeal said board, committee or agency may approve, disapprove, or modify the ruling, decision or determination appealed from or, in lieu thereof, make such other additional determination as it shall deem proper in the premises, subject to the same limitations as are placed upon the Zoning Administrator by this Code or by the City Charter. If the decision of the said board, committee or agency differs from that of the Zoning Administrator, it shall, in its decision, specify wherein there was error in the interpretation of the provisions of this Code, or abuse of discretion on the part of the Administrator, and shall specify in its findings the facts relied upon in making such determination. In granting any variance, it shall specify the character and extent thereof and also such reasonable conditions in connection therewith as are necessary to secure the objectives of this Code. Thereafter, such decision shall govern the approval of any application for a permit or license affected thereby.

SEC. 304. **Conditional Uses.** The Planning Commission shall hear and make determinations regarding applications for the authorization of the Conditional Uses listed in the district regulations of this Code. The procedure in such cases shall be as hereinafter specified. (Amended Ord. 35-64, approved 2-21-64)

SEC. 304.1. **Application.** An application verified by the owner, or authorized agent of the owner, of the property involved shall be filed in the office of the Department of City Planning upon a form prescribed therefor, which shall contain or be accompanied by all information required as provided in Section 308. (Amended Ord. 35-64, approved 2-21-64)

SEC. 304.2. **Public Hearing.** Upon receipt of such verified application, the Zoning Administrator shall make necessary investigations and studies of each such proposal and shall submit his findings thereon to the Director of Planning prior to a public hearing thereon by the Planning Commission. The Director of Planning shall submit his own report and recommendation at the hearing. The Zoning Administrator shall set a reasonable time and place for the public hearing and shall give notice of the time, place and purpose of each such hearing in the same manner as provided for hearings on the reclassification of property in Sec-

tions 305.2 and 305.3. A record of pertinent information presented at the public hearing shall be made and maintained as part of the permanent record relative to the application. (*Amended Ord. 211-60, approved 4-29-60; section renumbered Ord. 35-64, approved 2-21-64*)

SEC. 304.3. Determination. After the public hearing thereon, the Planning Commission may authorize a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this Code, if the evidence presented at the hearing is such as to establish:

1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
3. That the proposed use will comply with the regulations and conditions specified in this Code for such use.

When authorizing a conditional use as provided herein, the Planning Commission shall prescribe such additional conditions as are in its opinion necessary to secure the objectives of this Code. The violation of any condition so imposed shall constitute a violation of this Code. (*Section renumbered Ord. 35-64, approved 2-21-64*)

SEC. 304.4. Delegation. The Planning Commission may delegate to a committee of one or more of its members, or to the Zoning Administrator, the holding of the hearing required in Section 304.2. The delegate or delegates shall submit to the Commission a record of the hearing, together with a report of findings and recommendations relative thereto, for the consideration of the Commission in acting upon the authorization of the conditional use. (*Section renumbered Ord. 35-64, approved 2-21-64*)

SEC. 304.5. Planned Unit Development. The authorization of a Planned Unit Development as described herein shall be subject to the following additional conditions. The Planning Commission may authorize the development as submitted or may modify, alter, adjust or amend the plan before authorization, and in authorizing it may prescribe other conditions as provided in Section 304.3. The development as authorized shall be subject to all conditions so imposed, and shall be excepted from other provisions of this Code only to the extent specified in the authorization.

I. Category A.

1. The application must be accompanied by an over-all development plan showing the use or uses, dimensions and locations of proposed structures, of parking spaces, and of areas, if any, to be reserved for streets, parks, playgrounds, school sites and other open spaces, with such other pertinent information as may be necessary to a determination that the contemplated arrangement or use makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Code.
2. The tract or parcel of land involved must be either in one ownership or the subject of an application filed jointly by the owners of all the property included or by the Redevelopment Agency of the City. It must constitute all or part of a Redevelopment Project Area, or if not must either include an area of at least three (3) acres or be bounded on all sides by streets, public open spaces or the boundary lines of less restrictive use districts.
3. The proposed development must be designed to produce an environment of stable and desirable character, and must provide standards of open space and permanently reserved areas for off-street parking adequate for the occupancy proposed, and at least equivalent to those required by the terms of this Code for such occupancy in the zoning district. It must include provision for recreation areas to meet the needs of the anticipated population or as specified in the Master Plan. If located within a special height district established under Article 2.5 of this Code, the proposed development shall under no circumstances be excepted from the height limitations of that

Article; provided, however, that in the case of proposed developments within an area under the jurisdiction of the San Francisco Port Authority height limit exceptions may be authorized in accordance with the provisions of this Code and Section 3000.7 of the Harbors and Navigation Code of the State of California.

A conditional use of this category may contain, as an integral part of a residential development, a shopping center for service to the residents, if designed as a unit of limited size and controlled by more restrictive and specific regulations than would result from a reclassification of the area so used to a C district. No other commercial use of any Planned Unit Development in any R district shall be authorized except an office building or buildings to be occupied primarily by administrative, clerical, accounting or business research organizations, where the principal use does not involve any of the following:

1. The handling or display on the premises of any merchandise, or the rendering of any merchandising services except as permitted as an accessory use for the accommodation of the occupants;
2. Frequent personal visits of clients, members or customers or other persons not employed on the premises;
3. Show windows or exterior display advertising of any kind.

II. Category B.

An application for a Planned Unit Development may be filed by a governmental agency in connection with the proposed acquisition of private property for public use, and for the purpose of Section 304.1 the governmental agency shall be deemed the owner of the property included in the application whether or not the agency has acquired or proposes to acquire said property. The property included in the application, however, must be the surplus portion of lots acquired or proposed for acquisition for public use or the non-acquired portion of lots only partially acquired or proposed for acquisition for such use. The purpose of a Planned Unit Development of this category is to authorize the Planning Commission to grant exemptions from the requirements of this Code where required by public interest in order to permit the improvement of said surplus or non-acquired property, and for this purpose the Planning Commission may grant exemptions from the requirements of this Code other than those requirements pertaining to use districts in Article 2 and to special height districts in Article 2.5. The Planning Commission may grant exemptions as herein authorized:

1. If the general public interest and the interests of the immediate vicinity require that said property be usable for non-public purposes;
2. If the governmental agency submits a plan for the reasonable use of said property in keeping with the objective that the proposed public use cause a minimum disruption of the community and loss of community resources; and,
3. If the requirements normally applicable under this Code would make the preparation of such a plan and achievement of this objective impossible or infeasible. (*Amended Ord. 44-62, approved 2-16-62; amended Ord. 117-62, approved 5-16-62; section renumbered Ord. 35-64, approved 2-21-64*)

SEC. 304.6. Change in Conditions. The Planning Commission may receive applications, subject to the same regulations and procedures as those which apply to new conditional uses, to modify or waive any condition imposed by it in authorizing a conditional use or set forth in a prior stipulation continued in effect by the provisions of Section 149. After the public hearing, it may modify or waive any such condition, and any covenant relative thereto, if it finds that such change or waiver is necessary for the preservation of a substantial property right of the applicant or to avoid practical difficulties or unnecessary hardship, and would be consistent with the purposes of this Code (*Section renumbered Ord. 35-64, approved 2-21-64*)

SEC. 304.7. Conditional Uses, Continuance. Where a use classified and listed as a conditional use in the district lawfully exists at the effective date of this Code, such use shall be deemed to be an authorized conditional use without further action by the Planning Commission. Whenever any such use, or any use

hereafter authorized as a conditional use, is abandoned or discontinued for three (3) years, such use shall not be re-established unless it is authorized under new proceedings as provided in Sections 304 through 304.8. A non-conforming use authorized to be continued as a conditional use as provided in paragraph (e) of Section 154 shall thereafter be deemed to be a permitted use, subject to the prescribed conditions. (Section renumbered Ord. 35-64, approved 2-21-64)

SEC. 304.8. Action Subject to Appeal to Board of Supervisors. The action of the Commission, in approving or disapproving an application made in accordance with Sections 304 through 304.8, shall be subject to appeal to the Board of Supervisors in the same manner as provided for appeals on the reclassification of property in Sections 306(d) and 307 and may be reversed by a vote of not less than two-thirds (2/3) of all members of the Board; provided that in acting on any such appeal, the Board may prescribe in its resolution such conditions as are in its opinion necessary to secure the objectives of this Code. (Section renumbered Ord. 35-64, approved 2-21-64; amended Ord. 187-64, approved 7-10-64)

SEC. 305. Amendments, General. Whenever the public necessity, convenience or general welfare requires, the Board of Supervisors may, by ordinance, amend any part of this Code as provided in Section 117.1 of the Charter of the City and County of San Francisco. An amendment may be initiated by the Board of Supervisors or by a resolution of intention by the Planning Commission, or on the application of interested property owners or their authorized agents. (Amended Ord. 109-63, approved 5-15-63)

SEC. 305.1. Application. When the proposal for amendment is by application, the application shall be filed in the office of the Department of City Planning upon forms prescribed by the Planning Commission for that purpose and shall be accompanied by all information required, as provided in Section 308. Each such application shall be verified by at least one of the interested property owners or by an authorized agent thereof attesting to the truth and correctness of the information. (Section renumbered Ord. 109-63, approved 5-15-63)

SEC. 305.2. Hearing. Upon the proposal of an amendment by the Board of Supervisors, the filing of an application for amendment, or the adoption of a resolution of intention by the Planning Commission, it shall be the duty of the Zoning Administrator to set a time and place for a hearing thereon before the Planning Commission. Notice of the time, place and purpose of such hearing shall be given by at least one publication in a newspaper of general circulation in the City not less than twenty (20) days prior to the date of hearing. A record of pertinent information presented at the public hearing shall be made and maintained as part of the permanent record relative to the proposed amendment. (Section renumbered Ord. 109-63, approved 5-15-63)

SEC. 305.3. Notice. If the proposed amendment involves the reclassification of any property, such notice shall also be mailed not less than ten (10) days prior to the date of hearing to the owners of all property within three hundred (300) feet of the property affected by such reclassification or change, using for this purpose the names and addresses of the last known owners as shown on the records of the Assessor. Failure to send notice by mail to any such property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed amendment. Provided, however, that when the amendment proposes the reclassification to a P district of land which is classified R-1-D or is more than one acre in area, notice as described in this subsection need not be given except to the governmental agency which owns the land. (Section renumbered Ord. 109-63, approved 5-15-63)

SEC. 305.4. Set-Back Lines. Proposals for the establishment, abolition or modification of any set-back line shall be by the same procedure and subject to all the requirements of Sections 305 through 307. (Section renumbered Ord. 109-63, approved 5-15-63)

SEC. 305.5. Permits. No application for a building permit on any property or for any other permit or license for a new use of any property filed subsequent

to the day that an application has been filed or a resolution of intention has been adopted for the reclassification of such property or for the establishment or change of a building set-back line thereon shall be approved by the Department of City Planning while proceedings are pending on such reclassification or establishment or change of set-back line unless the construction and use proposed under that permit or license would conform both to the existing classification of such property or set-back line thereon and also to the different classification or set-back under consideration in those proceedings. (Amended Ord. 167-61, approved 7-7-61; amended Ord. 109-63, approved 5-15-63; section renumbered Ord. 109-63, approved 5-15-63)

SEC. 306. Amendments, Action. The Zoning Administrator shall make necessary studies and investigations of each such proposal and shall submit his findings thereon to the Director of Planning prior to the hearing. The Director of Planning shall submit his own report and recommendation at the hearing. The Planning Commission may of its own motion or upon the request of any party interested order a transcript to be made of the proceedings at the hearing. If, from the facts presented at the hearing, the Planning Commission finds that the public necessity, convenience or general welfare requires the proposed amendment or any part thereof, it shall approve such amendment or part, and otherwise it shall disapprove the same.

(a) **Time Limitation.** The Planning Commission shall act upon such applications within ninety (90) days from the date of conclusion of the hearing, and failure to act within said time shall constitute disapproval.

(b) **Notice.** When the proposal for amendment is by application, notice of the action of the Commission shall be mailed to the applicant.

(c) **Adoption by Board of Supervisors.** If approved, the proposed amendment shall be presented to the Board of Supervisors, together with a copy of the resolution of approval, and the Board of Supervisors may adopt such change by ordinance by a majority vote.

(d) **Finality of Commission Decision, Appeal to Board of Supervisors.** Whenever any proposed amendment or part thereof is disapproved by the Planning Commission, such action shall be final, except upon the filing of a valid appeal to the Board of Supervisors as provided in Section 307, within a period of thirty (30) days, provided, however, that if the proposed amendment was initiated by the Board, notice of the action shall be sent to the Clerk of the Board, and the Board may adopt such amendment only by an affirmative vote of not less than two-thirds (2/3) of all the members of the Board.

(e) **Resubmission, Reconsideration.** Whenever a proposed amendment, or any part thereof, involving the reclassification of any property, initiated by application, has been disapproved by the Planning Commission or by the Board of Supervisors on appeal, such proposed amendment may not be resubmitted to or reconsidered by the Planning Commission for at least one (1) year from the effective date of final action thereon.

SEC. 307. Amendments, Actions on Appeals. An appeal from the action of the Planning Commission disapproving an application shall be considered by the Board of Supervisors upon the filing of a written protest subscribed by the owners of at least twenty (20) per cent of the property affected by the proposed change. No action of the Commission so appealed shall become effective unless and until it is approved by the Board of Supervisors. All property within the area reclassified and within three hundred (300) feet of all exterior boundaries thereof shall be deemed to be property affected, for the purposes of this calculation.

(a) **Hearing.** The Board of Supervisors or the Clerk thereof shall set a time and place for hearing such appeal, which shall be not less than ten (10) nor more than thirty (30) days after such filing. The Board of Supervisors must decide such appeal within ten (10) days of the time set for the hearing thereon, provided that, if the full membership of the Board is not present on the last day on which said appeal is set or continued for hearing within said period, the Board may postpone said hearing until, but not later than, the full membership of the Board is present; provided, further, that the latest date to which said hearing and decision may be postponed on such account shall be not more than ninety (90) days from the filing of such protest. Failure of the Board of Supervisors to act within such time limit shall be deemed to constitute approval by the Board of the action of the Planning Commission.

(b) **Decision.** In acting upon such appeal, the Board of Supervisors may disapprove the action of the Planning Commission by a vote of not less than two-thirds ($\frac{2}{3}$) of all members of the Board, and adopt such change in the district boundaries established by this Code.

SEC. 308. Forms, Fees. The Planning Commission shall prescribe the form and scope of all petitions and applications provided for in this Code, and the data required to be furnished in connection therewith so as to assure as nearly as possible the presentation of all pertinent facts for proper consideration of the matter involved in each case and for the permanent record. In connection with any application for a variance where a public hearing is held, or for the authorization of a conditional use, or for the reclassification of any property, there shall be submitted a map showing the boundaries of the subject parcel, and also each separate piece of property within the area defined by this Code for mailing notices of hearings, giving the Assessor's block and lot number of each separate piece of property so shown, together with a list in duplicate of the names of the last known owners of the above specified property giving, insofar as they are of public record, the addresses of such property owners.

(a) **Filing Fees.** Before accepting for filing any application hereinafter mentioned, the Department of City Planning shall charge and collect the fees here specified.

1. For each application for a variance, the fee shall be Fifty (\$50.00) Dollars, except that where no public hearing is required, the fee shall be Twenty-Five (\$25.00) Dollars.
2. For each application for an amendment to this Code involving the reclassification of any property or any change in district boundaries, and for each application for establishment, abolition or modification of any set-back line, the fee shall be Fifty (\$50.00) Dollars.
3. For each application for authorization of a conditional use, the fee shall be Fifty (\$50.00) Dollars. (*Amended Ord. 211-60, approved 4-29-60*)

SEC. 309. Enforcement. The Planning Commission shall have authority to establish from time to time such policies, rules and regulations, not in conflict with the Charter of the City, as it deems necessary to secure the proper administration and enforcement of this Code. It shall be the duty of the Zoning Administrator to comply therewith, and he shall make regular reports to the Commission through the Director of Planning concerning all applications received, his disposal thereof and the reasons for his decisions.

(a) **Duties and Responsibilities of the Administrator.** Under the general supervision of the Director of Planning, it shall be the duty of the Zoning Administrator to administer and enforce the provisions of this Code. Whenever the Zoning Administrator shall make any ruling, administrative determination, or any interpretation of general application as to the various provisions of this Code, he shall thereupon furnish a copy thereof to the Director of Planning. He shall establish files and keep a permanent record of the proceedings in connection with each application, and of each matter presented to him which involves a ruling, administrative determination or interpretation of general application.

(b) **Inspection of Premises.** In the performance of his duties, the Zoning Administrator and employees of the Department properly authorized to represent him shall have the right to enter any building or premises for the purposes of investigation and inspection; provided, that such right of entry shall be exercised only at reasonable hours, and that in no case shall entry be made to any building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

(c) **Co-operation With Other Departments.** The Zoning Administrator shall furnish to the various departments, officers or employees of the City vested with the duty or authority to issue permits or licenses such information as will insure the proper administration of this Code and of the rulings and determinations of the Department of City Planning relative thereto. It shall be the duty of said departments, officers and employees to co-operate with the Zoning Administrator in the performance of his duties. It shall be the duty of the Department of Public Health, Department of Public Works, Police Department, and the Fire Department to assist in the enforcement of the provisions of this Code.

(d) **Methods of Enforcement.** In addition to the regulations of this Code and provisions of the Charter which govern the approval or disapproval of applications for building permits or other permits or licenses affecting the use of land or buildings, the Zoning Administrator shall have the authority to implement the enforcement thereof by any of the following means:

1. He may serve notice requiring the removal of any use in violation of this Code upon the owner, agent or tenant of the building or land, or upon the architect, builder, contractor or other person who commits or assists in any such violation;
2. He may call upon the District Attorney to institute any necessary legal proceedings to enforce the provisions of this Code, and the District Attorney is hereby authorized to institute appropriate actions to that end;
3. He may call upon the Chief of Police and his authorized agents to assist in the enforcement of this Code.

In addition to any of the foregoing remedies, the City Attorney may maintain an action for injunction to restrain or abatement to cause the correction or removal of any violation of this Code.

SEC. 310. Penalties. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Five Hundred (\$500.00) Dollars or be imprisoned for a period not exceeding six (6) months or be both so fined and imprisoned. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

SEC. 311. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Code or any part thereof, is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Code or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional.

ARTICLE 4

BUILDING SET-BACK LINES

- Sec. 401. Definitions.
 (a) Street.
 (b) Structure.
- Sec. 402. Buildings and parking between set-back lines and streets prohibited.
- Sec. 403. Garages.
- Sec. 404. Penalty.

SEC. 401. Definitions.

(a) **Street.** Wherever the word "street" occurs in Sections 402 and 403 of this Article it shall be held to include all streets, avenues, boulevards, highways or other public ways in the City and County of San Francisco, which have been or may hereafter be dedicated and open to public use.

(b) **Structure.** The word "structure" as used in Sections 402 and 403 of this Article shall not be deemed to include any coping, a fence not higher than three (3) feet, retaining wall, walk or stairway leading to a building.

SEC. 402. Buildings and Parking Between Set-back Lines and Streets Prohibited.

From and after the taking effect of such ordinance establishing any set-back line, or lines, it shall be unlawful for any person, firm or corporation to construct or place any building, wall, fence or other structure, or park any motor vehicle, within any such set-back line, except as provided in Section 403 of this Code;